



## **EMPLOYEE COMPLAINT PROCEDURE FOR COMPLAINTS OF DISCRIMINATION ON THE BASIS OF DISABILITY**

### **1. Purpose**

The purpose of this procedure is to prohibit and eliminate discrimination in employment against a qualified individual with a disability.

### **2. Who May File**

An employee or candidate for employment who believes that he or she or a specific class of individuals has been subjected to discrimination on the basis of disability by the City may, by himself or herself or by an authorized representative, file a complaint under this procedure.

### **3. Time For Filing**

In order to facilitate the investigation, the complainant is encouraged to submit the complaint within 30 days of the alleged incident(s). Where reasonable circumstances prevent the filing of the complaint within this time period, complaints received after this time period may be accepted.

### **4. Information Required in the Complaint**

A complainant may file a complaint on the attached complaint form. If a complainant chooses not to use the form, the complaint may be filed in writing or verbally and must include the following information:

- a. The complainant's name, address, and phone number. If a representative is filing the complaint on the complainant's behalf, his or her name, address, and phone number must also be included.
- b. A description of the offending behavior(s), action(s), or violation(s), and the circumstances involved.
- c. The date(s), time(s), and location(s) of the incident(s).
- d. Name(s) of alleged offender(s).
- e. Name(s) of witnesses, if any.
- f. The remedy desired.
- g. The signature of the victim of the alleged discrimination or the signature of his/her authorized representative.

**5. Where to File**

An employee who believes he or she has been discriminated against on the basis of disability may make a written complaint as soon as possible after the incident to:

- a. complainant's immediate supervisor; or if he or she is involved in the incident to the:
- b. complainant's department head; or if he or she is involved in the incident to the:
- c. Compliance Officer.

A candidate for employment with the City who believes he or she has been discriminated against on the basis of disability may make a written complaint as soon as possible after the incident to the Compliance Officer.

**6. Assistance for Complainants**

In compliance with Title I of the Americans with Disabilities Act, the Compliance Officer shall be responsible for providing assistance in using this procedure to alleged victims of discrimination who seek redress through this procedure.

**7. Investigation**

All complaints received by supervisors or department heads shall be referred to the compliance officer. Upon receipt of a complaint, the Compliance Officer shall investigate all charges. The investigation shall include interviews with:

- a. the complainant;
- b. the person(s) allegedly engaged in discrimination; and
- c. any other person the compliance officer believes to have relevant knowledge concerning the complaint. The Compliance Officer shall also consider any written evidence which is given to him/her.

Upon completion of the investigation, the Compliance Officer shall review factual information gathered through the investigation to determine whether the alleged conduct constitutes discrimination, giving consideration to all factual information, the totality of the circumstances, including the nature of the alleged discriminatory conduct, and the context in which the alleged incident(s) occurred.

**8. Written Report**

The Compliance Officer will then prepare a written report setting forth:

- a. the results of the investigation;
- b. a determination as to whether discrimination occurred; and
- c. if the discrimination occurred, the remedy which will be provided by the City. Copies of the report shall be provided to appropriate persons, including, but no limited to the

complainant, the person(s) allegedly engaged in discrimination, the supervisor, and the department head.

**9. Employee Discipline**

If the Compliance Officer determines that a City employee(s) unlawfully discriminated against and individual(s), the City will take appropriate disciplinary action commensurate with the severity and/or frequency of the offense and pursuant to City disciplinary policies and procedures.

**10. Decision**

The decision of the Compliance Officer will be final for the City.

**11. Retaliation**

Reasonable steps shall be taken to protect the victim and other potential victims from further discrimination and from retaliation as a result of communicating the complaint.